

SALT CEDAR AND RUSSIAN OLIVE CONTROL
DEMONSTRATION ACT

DECEMBER 13, 2005.—Ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2720]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2720) to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2720 is to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Salt Cedar, or tamarisk, is a small deciduous invasive tree introduced to the Southwest from Eurasia as a stream bank stabilizer and ornamental shrub. Since its introduction in the early 1800s, Tamarisk has evolved into a dominant riparian tree in the low elevation stretches of the Colorado River basin. Tamarisk's pervasive stronghold on western rivers and streams is attributed to its phenomenal reproductive output (each tamarisk can spread upwards of

a million seeds over multiple square miles each spring and summer) and its remarkable resilience in drought and flood.

Chief among reasons for seeking the eradication of tamarisk is its substantial depleting impact on already scarce water resources in the West. According to estimates, one tamarisk can absorb 300 gallons of water per day, thanks to the invasive's deep and expansive root system. Across the West, studies have shown that, in the aggregate, tamarisk dries up to 800 billion gallons more water each year than the native cottonwoods they replaced. That same study concluded that replacing tamarisk with cottonwood and other native vegetation along the Colorado River alone would save as much as 462,100 acre-feet of water annually, or 150 billion gallons.

Tamarisk's tenacity and hyper-reproductive nature has made its eradication difficult and costly for land and resource managers. Still, substantial increases in water yield associated with widespread tamarisk eradication make this expensive and challenging enterprise worth the while, experts say. Moreover, tamarisk eradication will also reduce fire risks to resource-rich riparian areas, and improve wildlife for fish and wildlife, when native vegetation is restored.

This legislation would require the Secretary of the Interior and the Secretary of Agriculture to enter into a memorandum of understanding providing for the administration of the program. The bill requires the Secretary to complete an assessment of the extent of the infestation on public and private land, and submit the completed assessment to Congress.

Long term management and funding strategies identified by the Secretary can be implemented by federal, State, tribal, and private land managers. Grants in a minimum amount of \$250,000 may be provided to eligible entities for technical experience, support, and recommendations relating to long-term management and funding strategies.

The Secretary shall establish a program that selects and funds not less than five projects proposed by and implemented in collaboration with federal agencies, State and local governments, national laboratories, Indian tribes, higher education institutions, individuals, organizations, or soil and water conservation districts to demonstrate and evaluate the most effective methods of controlling salt cedar and Russian olive.

The Secretary in cooperation with the Secretary of Agriculture will assess an economic means to dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

The federal share of demonstration projects carried out on non-federal land shall not exceed 75 percent. Appropriations to carry out this Act are authorized at \$20 million for fiscal years 2006 and \$15 million for each of fiscal years 2007 through 2010.

COMMITTEE ACTION

H.R. 2720 was introduced on May 26, 2005, by Stevan Pearce (R-NM). The bill was primarily referred to the Committee on Resources, and additionally to the Committee on Agriculture. Within the Resources Committee, the bill was referred to the Subcommittee on Forests and Forest Health and the Subcommittee on Water and Power. On July 14, 2005, the Subcommittee of Forests and Forest Health held a hearing on the bill. On November 16,

2005, the Full Resources Committee met to consider the bill. The two subcommittees were discharged from further consideration of the bill with unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2720—Salt Cedar and Russian Olive Control Demonstration Act

Summary: H.R. 2720 would authorize the appropriation of \$20 million for 2006 and \$15 million for each of the fiscal years 2007 through 2010 for a program to address the infestation of Salt Cedar and Russian Olive trees in the West. The Secretary of the Interior, acting through the Bureau of Reclamation, would provide grants to institutions of higher education to develop public policy expertise in long-term management strategies for these invasive species. In addition, the Secretary would fund at least five demonstration projects to assess methods for controlling Salt Cedar and Russian

Olive trees. Finally, the Secretary would work with the Secretary of Agriculture to analyze methods of disposing of the biomass created as a result of the removal of these invasive species.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2720 would cost \$39 million over the 2006–2010 period. Enacting H.R. 2720 would not affect direct spending or revenues.

H.R. 2720 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2720 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

| | By fiscal year, in millions of dollars— | | | | |
|--|---|------|------|------|------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| Authorization Level | 20 | 15 | 15 | 15 | 15 |
| Estimated Outlays | 2 | 5 | 8 | 11 | 13 |

For this estimate, CBO assumes that H.R. 2720 will be enacted in December 2005 and that the necessary amounts will be appropriated for each fiscal year. Based on information from the Bureau of Reclamation and historical spending patterns for similar programs, CBO estimates that implementing this bill would cost \$39 million over the 2006–2010 period.

Intergovernmental and private-sector impact: H.R. 2720 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The assessment and demonstration projects authorized in the bill would benefit governmental entities that manage programs to control invasive trees. Any cost they might incur would result from complying with conditions for receiving federal assistance.

Previous estimate: On February 11, 2005, CBO prepared a cost estimate of S. 177, an identically titled bill, as ordered reported by the Senate Committee on Energy and Natural Resources on February 9, 2005. The two bills are similar and their estimated costs are identical over the 2006–2010 period.

Estimate prepared by: Federal Costs: Gregory Waring and Julie Middleton. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Selena Caldera.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, December 12, 2005.

Hon. BOB GOODLATTE,
*Chairman, Committee on Agriculture, House of Representatives,
Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I request your assistance in expediting consideration of H.R. 2720, the Salt Cedar and Russian Olive Control Demonstration Act, authored by our colleague Stevan Pearce. Mr. Pence introduced the bill on May 26, 2005, when it was referred to the Committee on Resources and additionally to the Committee on Agriculture. The Committee on Resources ordered the bill favorably reported without amendment on November 16, 2005, by unanimous consent. I have forwarded a copy of the draft bill report and the reported text to your staff for review.

Because of the limited number of days remaining in the 109th Congress and the importance of this bill to the Western United States, I ask you to allow the Committee on Agriculture to be discharged so that H.R. 2720 can be voted on when Congress reconvenes. Of course, by agreeing to this request, you are not waiving jurisdiction over the bill, nor is this action to be construed as a precedent for other, similar legislation. In addition, I would support a request from the Committee on Agriculture to be represented on any conference on H.R. 2720 or a companion Senate bill, should one become necessary. Finally, I would include this letter and any response you might have in the Committee on Resources bill report on H.R. 2720.

Thank you for your consideration of my request. I appreciate our continued excellent working relationship and look forward to working with you to see H.R. 2720 enacted soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, December 12, 2005.

Hon. RICHARD POMBO,
*Chairman, Committee on Resources,
Longworth HOB, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of H.R. 2720, the Salt Cedar and Russian Olive Control Demonstration Act.

As you know, clause 1(a) of Rule X gives the Committee on Agriculture jurisdiction over bills relating to forestry in general and forests other than those created from the public domain. In the past, the Committee on Agriculture has worked cooperatively with the Committee on Resources regarding matters that generally concern forestry.

I am aware of your interest in expediting this legislation in light of the limited time remaining in the 109th Congress. Given this consideration, I will waive further consideration of H.R. 2720. This

discharge is not intended to waive this Committee's jurisdiction over this matter for all purposes, and in the event a conference with the Senate is requested, I appreciate your offer to support the naming of members from the Committee on Agriculture to the conference committee. Further, I appreciate and accept your offer to include this letter and your precedent request for discharge in the Committee on Resources bill report on H.R. 2720.

Once again, I appreciate your cooperation during this Congress in which our respective Committees have worked together and look forward to a continuation of this cooperation.

Sincerely,

BOB GOODLATTE,
Chairman.

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